

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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MAY 1 - 2014

PUBLIC SERVICE
COMMISSION

In the Matter of:

Investigation Into Electric Utilities) Administrative Case No. 345
Emergency Response Plans)

* * * * *

MOTION FOR CONFIDENTIAL TREATMENT

Kentucky Power Company ("Kentucky Power" or "the Company"), moves the Commission pursuant to 807 KAR 5:001, Section 13, for an Order granting confidential treatment to certain information and documents filed in connection with Kentucky Power's Emergency Operations Plan submitted for its update with the Commission pursuant to the Commission's order in Administrative Case No. 345. In support thereof, Kentucky Power states:

1. The Emergency Operations Plan is sensitive as a whole but there are portions of the filing that include Critical Energy Infrastructure Information ("CEII"). See Affidavit of Michael R. Richardson at ¶6 (Affidavit of Richardson). This information is declared by the Federal Energy Regulatory Commission to be exempt from public disclosure.

2. Specifically, Kentucky Power is seeking confidential treatment for the information identified as "Confidential Information" in Paragraph 4 of the Affidavit of Michael R. Richardson attached as Exhibit A to this petition. See Affidavit of Richardson at ¶4.

3. Pertinent Statutory Standards.

KRS 61.878(1)(m)(1)(f) exempts records from public inspection that would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act, including:

Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;

The Confidential Information identified in the Richardson Affidavit satisfies the statutory requirements for confidential treatment under KRS 61.878(m)(1)(f). KRS 61.878(1)(k) also exempts “all public records or information the disclosure of which is prohibited by federal law or regulation” from disclosure under the Open Records Act.

5. The Confidential Information contained in the Emergency Operations Plan is considered by the FERC as CEII, and as such is exempt from public disclosure in accordance with FERC rules. See Affidavit of Richardson at ¶6. FERC Rule 18 C.F.R. § 388.113(c) states that CEII:

means specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that:

(i) Relates details about the production, generation, transportation, transmission, or distribution of energy;

(ii) Could be useful to a person in planning an attack on critical infrastructure;

(iii) Is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552; and

(iv) Does not simply give the general location of the critical infrastructure.

The Confidential Information satisfies each of these requirements to be defined as CEII. See Affidavit of Richardson at ¶6.

6. 18 C.F.R. § 388.112 exempts such information from mandatory disclosure under the Freedom of Information Act. See Affidavit of Richardson at ¶6. However, FERC does

provide access to CEII documents to those with a legitimate need for the information following an execution of a non-disclosure agreement with FERC.

7. The Confidential Information identified in the Richardson Affidavit is protected from disclosure. In particular, the transmission and generation specific details describing system priorities and priorities when addressing a blackout situation are critical to the safety and security of the region as supporting the very nature of the electric system. See Affidavit of Richardson at ¶4. The disclosure of this information could be useful to a person planning a terrorist act, as that term is defined at KRS 61.878(1)(m)(2). See Affidavit of Richardson at ¶6.

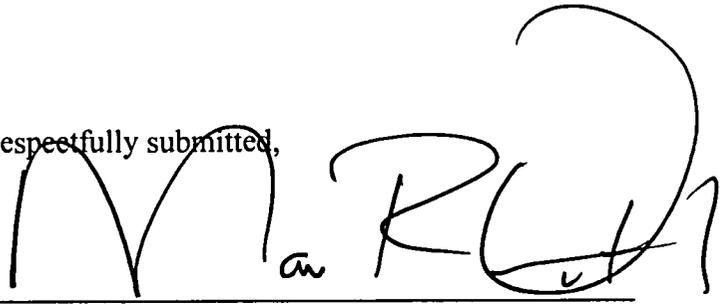
8. The Commission afforded confidential treatment to another set of Kentucky Power's CEII by a letter dated December 11, 2009 in Kentucky Power's Integrated Resource Planning filing, Case No. 2009-00339, as well as in other filings in this administrative case.

9. The Company takes reasonable steps to prevent the disclosure of such information outside the Company, and the information is disseminated within the Company on a need-to-know basis. See Affidavit of Richardson at ¶7. None of the information for which confidential protection is sought is readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use. *Id.* Moreover, the Company believes that independent research by persons not privy to the information would not reveal this level of detailed information. *Id.*

10. Pursuant to 807 KAR 5:001, Section 13 the highlighted original of the documents for which confidential treatment is sought is filed with this Petition under seal.

11. For the foregoing reasons, Kentucky Power requests the Kentucky Public Service Commission to afford confidential treatment to CEII described in the Richardson Affidavit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', written over a horizontal line.

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COUNSEL FOR:
KENTUCKY POWER COMPANY

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AFFIDAVIT OF MICHAEL R. RICHARDSON

Michael R. Richardson, upon his oath, deposes and states:

1. I am employed by American Electric Power Michael R. Richardson. American Electric Power Company, Inc. (AEP) is the parent company of Kentucky Power (the Companies). I am responsible for activities in support of the efficient and reliable operation and coordination of AEP's transmission network in PJM and SPP; for the development of operational standards, system studies, normal and emergency operating plans and procedures; involved in the development and delivery of training in support of system control center and dispatching activities and in support of operations engineering practices; for providing operational input to the transmission asset management process; involved in the Transmission Operations compliance with all NERC and Regional Reliability Council operational and reliability requirements; for updating the annual revision and improvement of the AEP Transmission Emergency Operating Plan and ensuring said Plan conforms to the latest NERC requirements. I have also been involved in several NERC SAR/SDT.

2. I have personal knowledge of the confidential, proprietary, competitively sensitive and critical energy infrastructure confidential information addressed herein and in the accompanying Motion through direct contact with this information and through my investigation with other AEP employees who work directly with the Confidential Information. I have personal knowledge of efforts taken by AEP and Kentucky Power to maintain the integrity of the Confidential Information through direct contact with these efforts and through my investigation of these efforts with other employees who work directly with these procedures.

**Description of the Confidential Information for
Which Protection is Sought**

3. Kentucky Power is requesting that certain confidential information included in Kentucky Power’s Emergency Operation Plan be exempted from public disclosure as confidential, proprietary, competitively sensitive and critical energy infrastructure information (the “Confidential Information”). The Commission previously provided confidential treatment of Kentucky Power’s Critical Energy Infrastructure Information (“CEII”) in its recent Integrated Resource Planning filing.

4. More specifically, Kentucky Power seeks confidential treatment of engineering, vulnerability, and detailed design information about existing critical infrastructure related to the layout of the generation and transmission system of the American Electric Power System. The following table details the nature of the information and how it relates to the critical nature of the information in emergency situations.

| Vol/Pg # | Confidential Information |
|------------------|--|
| VI/11 | Description of critical points on the system and describes the dependent engineering relationship. |
| VI/12 | Operations guide relates to the engineering and design of existing infrastructure of a specific portion of the system. |
| VI/18-20 | Load shed plan relates to the vulnerability of existing infrastructure. |
| VI/40-42 | Specific description of units equipped with a certain power stabilizer. |
| Appendix VII/1-5 | Contact names and information. These lists include the contact names, titles and contact information of all the people involved in the emergency response operations. Public disclosure of this list would provide anyone seeking to harm the system a list of individuals both within in the Company and contacts at other companies that would be responsible for securing the system and ensuring its continued operation. These people need to be free to interact with one another to address emergency situations and free from wrongdoers attempting to prevent them from doing their jobs. |
| VIII/1 | Provides the names of the units with load rejection capability and blackstart capability. The information also provides the priority of restoration of assets. |
| VIII/2 | In the event of a blackout, AEP has to rely upon successful load rejection on a certain number of subcritical units at plants. This provides the outline of those assets showing AEP’s exposure. |

| | |
|----------------|---|
| VIII/5 | Names of assets with blackstart and supporting details on those plants. |
| VIII/11,13 | Names of assets with blackstart capability. |
| VIII/18 | Names of assets with blackstart and source of start power. |
| VIII/21 | Provides the names of assets used in the startup and emergency power to power plants and switching for the blackstart. |
| VIII/22-28 | Map and detailed supporting data associated with blackstart routes for generation. This provides the system route for restoring power. |
| VIII/33-50 | Provides the facilities with onsite synchroscope equipment onsite by station and circuit. The synchroscope is important in balancing the frequency between incoming generator and running the system bus voltage. |
| VIII/51-52 | Communications diagram for the Reliability Coordinator and Market Operations. |
| VIII/66 | Sample capacity spreadsheet that includes names of blackstart units on the form. |
| VIII/67 | Names of assets with blackstart and supporting details on those plants. |
| VIII/73-74, 78 | Names of assets with blackstart capability. |
| VIII/78 | Names of plants used in the restaging of load to stabilize the system identifying the maximum load pickup per step at an initial frequency of 60 Hz. |
| VIII/79 | Provides the names of assets used in the startup and emergency power to power plants and switching for the blackstart. |
| VIII/80 | Preferred switching sequence for blackstart paths |
| VIII/81-83 | Map and detailed supporting data associated with blackstart routes for generation. This provides the system route for restoring power. |
| VIII/86-88 | Provides the facilities with onsite synchroscope equipment onsite by station and circuit. The synchroscope is important in balancing the frequency between incoming generator and running the system bus voltage. |
| VIII/94 | Sample capacity spreadsheet that includes names of blackstart units on the form. |

The Information Contained in Confidential Information is Critical Energy Infrastructure Information and is Not Generally Known, Readily Ascertainable by Proper Means by Other Persons

5. The Confidential Information is considered CEII. The Confidential Information is not available or ascertainable by other parties through normal or proper means. No reasonable amount of independent research could yield this information to other parties. The information reflects the Companies internal planning efforts and necessary information to ensure a safe and reliable management of the transmission system.

6. The Confidential Information contained in this emergency response plan (as indicated in the table above) is considered by the Federal Energy Regulatory Commission (FERC) as Critical Energy Infrastructure Information (CEII) and as such exempts the information from public disclosure in accordance with FERC rules. FERC Rule 18 C.F.R. § 388.113(c). All of the confidential information satisfies the definition of CEII under the FERC rule. The Confidential Information includes specific engineering, vulnerability, and detailed design information about existing critical infrastructure. The information relates details about the production, generation, transportation, and transmission of energy. The Confidential Information is critical to the safety and security of the region as supporting the very nature of the electric system. The information does not simply give the general location of critical infrastructure; it is information that could be useful to a person in planning an attack on critical infrastructure. The Confidential Information is also exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552.

**The Information is the Subject of Efforts Reasonable
Under The Circumstances to Maintain Its Secrecy**

7. The Confidential Information has been the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The Companies restrict the access of information to only those employees, officers and representatives of the Companies who have a need to know about such information due to their job and management responsibilities. The Companies limit public access to buildings housing the Confidential Information by use of security guards. Persons not employed by the Companies who are allowed past security guards at buildings where Confidential Information is kept are not permitted to walk within such buildings without an escort. The Companies file containing the Confidential Information are maintained separately from the Companies' general records and access to those files is

restricted. Within the Companies, access to this information has been and will continue to be disclosed only to those employees, officers and representatives of the Companies who have a need to know about such information due to their job and management responsibilities. Outside the Companies, this information is only provided to certain persons who have a legitimate need to review the information to participate in this filing and who sign a confidentiality agreement.

Further the Affiant sayeth nothing more.

Dated: 4/24/2014

Michael R. Richardson
Michael R. Richardson

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

Michael R. Richardson appeared before me, a Notary Public in and for this County and State, and swore that the foregoing statements are true.

Paul Andromalos
Printed

Paul Andromalos
Signature

My Commission Expires:
6-20-16

My County of Residence:
Franklin



Paula E. Andromalos
Notary Public, State of Ohio
My Commission Expires 06-20-2016